

# Judicial Branch Appropriations Bill House Study Bill 732

Last Action:

Joint Subcommittee

February 25, 2010

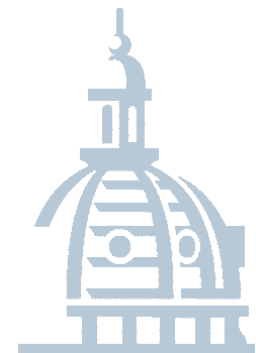
**An Act relating to and making appropriations to the Judicial Branch, and providing an effective date.**

## NOTES ON BILLS AND AMENDMENTS (NOBA)

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Fiscal Services Division

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# EXECUTIVE SUMMARY NOTES ON BILLS AND AMENDMENTS

# HOUSE STUDY BILL 732 JUDICIAL BRANCH APPROPRIATIONS BILL

## FUNDING SUMMARY

Appropriates a total of \$150.3 million from the General Fund to the Judicial Branch. The Judicial Branch has 1,825.40 FTE positions that are not limited in this Bill. This is a decrease of \$9.9 million and a decrease of 183.8 FTE positions compared to estimated net FY 2010. This includes the 7.1% across-the-board reduction and a General Fund appropriation of \$1.5 million to the Jury and Witness Fee Revolving Fund.

## STUDIES AND INTENT LANGUAGE

- Prohibits the Judicial Branch from duplicating the State payroll system. (Page 1, Line 26)
- Requires the Judicial Branch to submit monthly financial statements to the Legislative Services Agency (LSA) and the Department of Management. (Page 1, Line 32)
- Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees. (Page 2, Line 7)
- Specifies legislative intent that the Offices of the Clerks of District Court operate in all 99 counties and be accessible to the public as much as reasonably possible. (Page 2, Line 10)
- Requires the Judicial Branch to notify the LSA prior to any interdepartmental transfer of funds. (Page 2, Line 15)
- Requires the Judicial Branch to provide a semi-annual report to the LSA specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System. (Page 2, Line 24)
- Requires the Judicial Branch to report to the General Assembly by January 1, 2011, regarding the revenues and expenditures for the Enhanced Court Collections Fund and the Court Technology and Modernization Fund. The report is to include revenues and expenditures for FY 2010 and planned expenditures for FY 2011. (Page 2, Line 32)
- Requires the Judicial Branch to obtain bids from Iowa Prison Industries on furniture purchases exceeding \$5,000. (Page 3, Line 7)
- Permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence. (Page 3, Line 26)
- Requires the Judicial Branch to provide LSA with reports in electronic format. (Page 3, Line 31)
- Specifies the Judicial Branch utilize the Iowa Communications Network or another secure electronic communications in lieu of travelling for FY 2011. (Page 4, Line 20)
- Permits parties to a civil case, including a jury trial, to move the case to a contiguous county. (Page 3, Line 13)
- Allows the Supreme Court to order judicial officers to take unpaid leave in the same manner as the noncontract employees of the Judicial Branch. (Page 4, Line 6)

## SIGNIFICANT CHANGES TO THE CODE OF IOWA

LSB5093H

LSB5093H provides for the following changes to the Code of Iowa.

Page #	Line #	Bill Section	Action	Code Section	Description
3	13	2	Nwthstnd	Sec. ALL	Permits Civil Trials to be Moved
3	26	3	Nwthstnd	Sec. 602.1509	Travel Reimbursement
4	6	5	Nwthstnd	Sec. 11, Chap. 1191, 2008 Iowa Acts	Permits Unpaid Leave of Judicial Officers

1 1 Section 1. JUDICIAL BRANCH.

1 2 1. There is appropriated from the general fund of the state  
 1 3 to the judicial branch for the fiscal year beginning July 1,  
 1 4 2010, and ending June 30, 2011, the following amount, or so  
 1 5 much thereof as is necessary, to be used for the purposes  
 1 6 designated:  
 1 7 a. For salaries of supreme court justices, appellate court  
 1 8 judges, district court judges, district associate judges,  
 1 9 judicial magistrates and staff, state court administrator,  
 1 10 clerk of the supreme court, district court administrators,  
 1 11 clerks of the district court, juvenile court officers, board of  
 1 12 law examiners and board of examiners of shorthand reporters and  
 1 13 judicial qualifications commission; receipt and disbursement  
 1 14 of child support payments; reimbursement of the auditor  
 1 15 of state for expenses incurred in completing audits of the  
 1 16 offices of the clerks of the district court during the fiscal  
 1 17 year beginning July 1, 2010; and maintenance, equipment, and  
 1 18 miscellaneous purposes:  
 1 19 ..... \$148,811,822

1 20 b. For deposit in the revolving fund created pursuant  
 1 21 to section 602.1302, subsection 3, for jury and witness  
 1 22 fees, mileage, costs related to summoning jurors, fees for  
 1 23 interpreters, and reimbursement of attorney fees paid by the  
 1 24 state public defender:  
 1 25 ..... \$ 1,500,000

1 26 2. The judicial branch, except for purposes of internal  
 1 27 processing, shall use the current state budget system, the  
 1 28 state payroll system, and the Iowa finance and accounting  
 1 29 system in administration of programs and payments for services,  
 1 30 and shall not duplicate the state payroll, accounting, and  
 1 31 budgeting systems.

General Fund appropriation to the Judicial Branch for operations.

DETAIL: This is a decrease of \$11,373,135 compared to estimated net FY 2010. This includes the 7.10% across-the-board reduction to the Judicial Branch operating budget appropriation.

General Fund appropriation to the Jury and Witness Fee Revolving Fund for the reimbursement of juror and witness fees, mileage, and costs.

DETAIL: The Jury and Witness Fee Revolving Fund has carryforward funds for partial year funding for FY 2011. The General Fund appropriation will provide the remaining funding necessary to fully fund the anticipated expenditures.

Prohibits the Judicial Branch from duplicating current State payroll, budgeting, and accounting systems, except for the implementation of an internal accounting and recordkeeping system.

1 32 3. The judicial branch shall submit monthly financial  
1 33 statements to the legislative services agency and the  
1 34 department of management containing all appropriated accounts  
1 35 in the same manner as provided in the monthly financial status  
2 1 reports and personal services usage reports of the department  
2 2 of administrative services. The monthly financial statements  
2 3 shall include a comparison of the dollars and percentage  
2 4 spent of budgeted versus actual revenues and expenditures on  
2 5 a cumulative basis for full-time equivalent positions and  
2 6 dollars.

Requires the Judicial Branch to submit monthly financial statements on all appropriated accounts to the Fiscal Services Division of the Legislative Services Agency (LSA) and the Department of Management. Specifies what is to be included in the financial statements.

2 7 4. The judicial branch shall focus efforts upon the  
2 8 collection of delinquent fines, penalties, court costs, fees,  
2 9 surcharges, or similar amounts.

Requires the Judicial Branch to focus efforts on collecting delinquent fines and fees.

2 10 5. It is the intent of the general assembly that the offices  
2 11 of the clerks of the district court operate in all 99 counties  
2 12 and be accessible to the public as much as is reasonably  
2 13 possible in order to address the relative needs of the citizens  
2 14 of each county.

Specifies that it is the intent of the General Assembly that the Judicial Branch operate Clerk of Court offices in all 99 counties and ensure the offices are accessible to the public as much as reasonably possible.

2 15 6. In addition to the requirements for transfers under  
2 16 section 8.39, the judicial branch shall not change the  
2 17 appropriations from the amounts appropriated to the judicial  
2 18 branch in this Act, unless notice of the revisions is given  
2 19 prior to their effective date to the legislative services  
2 20 agency. The notice shall include information on the branch's  
2 21 rationale for making the changes and details concerning the  
2 22 workload and performance measures upon which the changes are  
2 23 based.

Requires the Judicial Branch to notify the LSA prior to any intradepartmental transfer of funds. Specifies the contents of the notice.

2 24 7. The judicial branch shall submit a semiannual update  
2 25 to the legislative services agency specifying the amounts of  
2 26 fines, surcharges, and court costs collected using the Iowa

Requires the Judicial Branch to provide a semi-annual report to the LSA, specifying the amount of fines, surcharges, and court costs collected using the Iowa Court Information System (ICIS). Requires the Judicial Branch to continue to share vital sentencing and other

2 27 court information system since the last report. The judicial  
 2 28 branch shall continue to facilitate the sharing of vital  
 2 29 sentencing and other information with other state departments  
 2 30 and governmental agencies involved in the criminal justice  
 2 31 system through the Iowa court information system.

information with departments and government agencies involved with the criminal justice system through the ICIS.

2 32 8. The judicial branch shall provide a report to the general  
 2 33 assembly by January 1, 2011, concerning the amounts received  
 2 34 and expended from the enhanced court collections fund created  
 2 35 in section 602.1304 and the court technology and modernization  
 3 1 fund created in section 602.8108, subsection 7, during the  
 3 2 fiscal year beginning July 1, 2009, and ending June 30, 2010,  
 3 3 and the plans for expenditures from each fund during the fiscal  
 3 4 year beginning July 1, 2010, and ending June 30, 2011. A copy  
 3 5 of the report shall be provided to the legislative services  
 3 6 agency.

Requires the Judicial Branch to report to the General Assembly by January 1, 2011, regarding the revenues and expenditures of the Enhanced Court Collections Fund and the Court Technology and Modernization Fund for FY 2010 and planned expenditures for FY 2011. The Judicial Branch is required to provide a copy of this report to the LSA.

3 7 9. The judicial branch is encouraged to purchase products  
 3 8 from Iowa state industries, as defined in section 904.802, when  
 3 9 purchases are required and the products are available from Iowa  
 3 10 state industries. The judicial branch shall obtain bids from  
 3 11 Iowa state industries for purchases of office furniture during  
 3 12 the fiscal year beginning July 1, 2010, exceeding \$5,000.

Beginning July 1, 2010, requires the Judicial Branch to obtain bids from Iowa Prison Industries for office furniture purchases exceeding \$5,000.

3 13 Sec. 2. CIVIL TRIALS == LOCATION. Notwithstanding any  
 3 14 provision to the contrary, for the fiscal year beginning July  
 3 15 1, 2010, and ending June 30, 2011, if all parties in a case  
 3 16 agree, a civil trial including a jury trial may take place in a  
 3 17 county contiguous to the county with proper jurisdiction, even  
 3 18 if the contiguous county is located in an adjacent judicial  
 3 19 district or judicial election district. If the trial is moved  
 3 20 pursuant to this section, court personnel shall treat the case  
 3 21 as if a change of venue occurred. However, if a trial is moved  
 3 22 to an adjacent judicial district or judicial election district,  
 3 23 the judicial officers serving in the judicial district or

CODE: Permits parties to a civil case, including a jury trial, to move the case to a contiguous county, even if it crosses a judicial district for one year (FY 2011). If the case is moved, the judicial officers in the judicial district that receives the case will preside over the case.

3 24 judicial election district receiving the case shall preside  
3 25 over the case.

3 26 Sec. 3. TRAVEL REIMBURSEMENT. Notwithstanding section  
3 27 602.1509, for the fiscal year beginning July 1, 2010, a  
3 28 judicial officer may waive travel reimbursement for any travel  
3 29 outside the judicial officer's county of residence to conduct  
3 30 official judicial business.

CODE: Permits a judicial officer to waive travel reimbursement for any travel outside the judicial officer's county of residence.

3 31 Sec. 4. POSTING OF REPORTS IN ELECTRONIC FORMAT ==  
3 32 LEGISLATIVE SERVICES AGENCY. All reports or copies of reports  
3 33 required to be provided by the judicial branch for fiscal year  
3 34 2010=2011 to the legislative services agency shall be provided  
3 35 in an electronic format. The legislative services agency shall  
4 1 post the reports on its internet website and shall notify by  
4 2 electronic means all the members of the joint appropriations  
4 3 subcommittee on the justice system when a report is posted.  
4 4 Upon request, copies of the reports may be mailed to members of  
4 5 the joint appropriations subcommittee on the justice system.

Requires the Judicial Branch to provide the LSA with reports in electronic format so that the reports can be placed on the LSA website. The LSA is to notify members of the Justice System Appropriations Subcommittee when reports have been received and published.

4 6 Sec. 5. JUDICIAL OFFICER == UNPAID LEAVE. Notwithstanding  
4 7 the annual salary rates for judicial officers established by  
4 8 2008 Iowa Acts, chapter 1191, section 11, for the fiscal year  
4 9 beginning July 1, 2010, and ending June 30, 2011, the supreme  
4 10 court may by order place all judicial officers on unpaid leave  
4 11 status on any day employees of the judicial branch are placed  
4 12 on temporary layoff status. The biweekly pay of the judicial  
4 13 officers shall be reduced accordingly for the pay period in  
4 14 which the unpaid leave date occurred in the same manner as  
4 15 for noncontract employees of the judicial branch. Through  
4 16 the course of the fiscal year, the judicial branch may use an  
4 17 amount equal to the aggregate amount of salary reductions due  
4 18 to the judicial officer unpaid leave days for any purpose other  
4 19 than for judicial salaries.

CODE: Permits the Supreme Court to order judicial officers to take unpaid leave in the same manner as noncontract employees of the Judicial Branch through FY 2011.

4 20 Sec. 6. IOWA COMMUNICATIONS NETWORK. It is the intent

Specifies it is the intent of the General Assembly that the Judicial

4 21 of the general assembly that the judicial branch utilize  
4 22 the Iowa communications network or other secure electronic  
4 23 communications in lieu of traveling for the fiscal year  
4 24 beginning July 1, 2010.

Branch utilize the Iowa Communications Network or another secure  
electronic communications in lieu of traveling for the FY 2011.

4 25 EXPLANATION

4 26 This bill appropriates from the general fund of the state for  
4 27 FY 2010=2011 to the judicial branch for salaries, maintenance,  
4 28 equipment, and miscellaneous purposes.  
4 29 The bill appropriates \$1.5 million from the general fund  
4 30 of the state to the revolving fund created in Code section  
4 31 602.1302 for jury and witness fees, mileage, costs related to  
4 32 summoning jurors, fees for interpreters, and certain attorney  
4 33 fee reimbursement.  
4 34 The bill provides that a civil trial including a jury trial  
4 35 may take place in a county contiguous to the county with proper  
5 1 jurisdiction, even if the contiguous county is located in an  
5 2 adjacent judicial district or judicial election district, if  
5 3 all the parties in a case agree. If a trial is moved to another  
5 4 county that is located in another judicial district or judicial  
5 5 election district, the judicial officers serving the judicial  
5 6 district or judicial election district receiving the case shall  
5 7 preside over the case.  
5 8 The bill permits a judicial officer to waive travel  
5 9 reimbursement for any travel outside the judicial officer's  
5 10 county of residence to conduct official business.  
5 11 The bill allows a judicial officer to be placed on unpaid  
5 12 leave for the fiscal year beginning July 1, 2010, and ending  
5 13 June 30, 2011, on any day a court employee is required to  
5 14 furlough. The bill provides that if a judicial officer is  
5 15 placed on unpaid leave, the salary of the judicial officer  
5 16 shall be reduced accordingly for the pay period in which the  
5 17 unpaid leave occurred. Through the course of the fiscal year,  
5 18 the bill provides that the judicial branch may use an amount  
5 19 equal to the aggregate amount of the salary reductions due  
5 20 to judicial officer unpaid leave for any purpose other than  
5 21 judicial salaries.



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**LSB5093H**

**Explanation**

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5 22 A legislative intent section provides that the judicial  
5 23 branch utilize the Iowa communications network or other secure  
5 24 electronic communications in lieu of traveling.  
5 25 LSB 5093JB (1) -83  
5 26

## Summary Data

### General Fund

	Actual FY 2009	Estimated Net FY 2010	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
Justice System	\$ 149,366,784	\$ 160,184,957	\$ 150,311,822	\$ -9,873,135	
<b>Grand Total</b>	<u><u>\$ 149,366,784</u></u>	<u><u>\$ 160,184,957</u></u>	<u><u>\$ 150,311,822</u></u>	<u><u>\$ -9,873,135</u></u>	

# Justice System

## General Fund

	Actual FY 2009	Estimated Net FY 2010	House Subcom FY 2011	House Sub vs. Est Net 2010	Page and Line #
	(1)	(2)	(3)	(4)	(5)
<b><u>Judicial Branch</u></b>					
<b>Judicial Branch</b>					
Jury & Witness (GF) to Revolving Fd. (0043)	\$ 0	\$ 0	\$ 1,500,000	\$ 1,500,000	PG 1 LN 20
Judicial Branch	149,366,784	160,184,957	148,811,822	-11,373,135	PG 1 LN 1
<b>Total Judicial Branch</b>	<b>\$ 149,366,784</b>	<b>\$ 160,184,957</b>	<b>\$ 150,311,822</b>	<b>\$ -9,873,135</b>	
<b>Total Justice System</b>	<b>\$ 149,366,784</b>	<b>\$ 160,184,957</b>	<b>\$ 150,311,822</b>	<b>\$ -9,873,135</b>	